

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA,)
)
 v.) CR407-380
)
 MARK CHARLES LYNN)

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AMENDED PRELIMINARY ORDER OF FORFEITURE

Before the Court is the United States' Motion for the issuance of an Amended Preliminary Order of Forfeiture to substitute \$106,125.00 in U.S. Currency in lieu of forfeiture of real property commonly known as 1838 Cokesbury Drive, Savannah, Georgia 31406, which was originally forfeited to the United States in the Preliminary Order of Forfeiture entered by this Court on May 22, 2008. After careful consideration, it is HEREBY ORDERED and ADJUDGED:

1. The Preliminary Order of Forfeiture entered by this Court on May 22, 2008 is amended to substitute the forfeiture of \$106,125.00 in U.S. currency in lieu of the following real property, to the United States of America:¹

All that certain lot, tract or parcel of land situate, lying and being in the City of Savannah, Chatham County, Georgia, being known as Lot 55, Magnolia Heights Subdivision, and assigned PIN No. 2-135-4-7 and more commonly known 1838 Cokesbury Drive, Savannah, Georgia, titled in the name of Mark Charles Lynn by virtue of a certain quitclaim deed dated December 30, 2004, from Carolyn M. Lynn to Mark Lynn.

¹In Paragraph 3(2)(b) of the Plea Agreement between the United States and Defendant Mark Charles Lynn, the parties agreed that Defendant Lynn could pay an amount equal to 75 percent of the fair market value of the real property as established by the Chatham County, Georgia Board of Tax Assessors in lieu of forfeiture of the real property by the United States. A recent appraisal conducted at the request of the United States estimated the value of the property located at 1838 Cokesbury Drive, Savannah, GA 31406 to be \$141,500, which is less than the fair market value established by the Chatham County Board of Tax Assessors.

2. The following properties ("Subject Properties") are hereby forfeited to the United States of America:

- A. United States Currency Totaling \$106,125.00 in lieu of forfeiture of the real property known as 1838 Cokesbury Drive, Savannah, Georgia; and
- B. One silver 2002 Lexus 2 door convertible, Model SC430, bearing Georgia license VIT SC, vehicle identification number: JTHFN48YX20030282
Titled Owner: Mark Lynn.

3. The United States Marshals Service is directed to seize the Subject Properties.

4. The United States shall cancel the Notice of *Lis Pendens* recorded in Lien Book 434, Pages 57 and 58, on the records of the Clerk of Superior Court for Chatham County, Georgia;

5. The United States Attorney for the Southern District of Georgia is authorized to conduct any discovery he deems necessary to identify, locate or dispose of the forfeited Subject Properties, in accordance with Fed. R. Crim. P. 32.2(b)(3);

6. The United States is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order;

7. The United States shall publish notice of the order and its intent to dispose of the forfeited Subject Properties in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the forfeited Subject Properties;

8. Any person, other than Defendant Lynn, asserting a legal interest in the Subject Properties may, within thirty days of the final publication of notice or within 30 days from the date actual notice is served or no later than 60 days after the first day of publication on the official internet government forfeiture site, petition the Court for a hearing without a jury to adjudicate the

validity of his alleged interest in the Substitute property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6);

9. Any petition filed by a third party asserting an interest in the forfeited Subject Properties shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the substitute property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the forfeited Subject Properties, and any additional facts supporting the petitioner's claim and the relief sought;

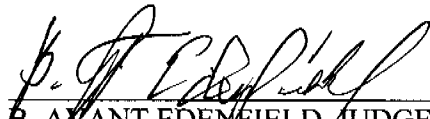
10. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

11. The United States shall have clear title to the forfeited Subject Properties following the Court's disposition of all third-party interests or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions; and

12. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e); and

SO ORDERED this 23 day of Sept., 2008, in *United States of America*

v. Mark Charles Lynn, CR407-380.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

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